Single Bench

CF 1002

In the Hon'ble High Court of Chhattisgarh,

Bilaspur.

P.R. No. 6/12/06 Side Section
Presented by Shri ...
dated 6-11-06

W. P. (S) No. 6108 2006

Petitioner - Rajkumari W/o M.K. Dilliwar
Aged about 40 years, Asstt. Teacher
Primary School, Koliyapuri, Distt.Durg
R/o Shivpara, Durg (C.G.)
(Before Marriage –Rajkumari Deshmukh)

Versus

Respondents

1. The State Govt. of Chhattisgarh,
Through Secretary Education Dept.
D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer,
Durg (C.G.)
3. District Education Officer,
Rajnandgaon (C.G.)
4. Block Education Officer
Chhuriya, Rajnandgaon.

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Writ Petition Under Articles 226/227 of The Constitution Of India for the issuance of WRIT in the nature of MANDAMUS certiorari, Prohibition and for other suitable writ or writs, order or orders, direction or directions.

The petitioner most respectfully furnishes the particulars of the writ petition as under :-

(2a)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 6108 of 2006

Petitioner — Rajkumari W/o M.K. Dilliwar

Versus

Respondents — The State Govt. of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the petitioner.
Smt. Anju Ahuja, Deputy Govt. Advocate for the State/respondents.

ORDER

(8th November, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was appointed as Assistant Teacher by the Deputy Director, Public Education, Rajnandgaon vide order dated 16.12.1988 (Annexure P-1) wherein, it was provided that the petitioner would be granted pay scale of Rs. 975-25-1000-30-1210-40-1450-50-1650/-, after a period of one year. It was further provided that the petitioner would be entitled to the fixed pay of Rs. 300/- for a period of one year.

2. Similarly situated employees had approached the Madhya Pradesh State Administrative Tribunal. The Tribunal passed the order on 24.8.1992 in O.A. No. 2745 of 1989 (Madhukant Yadu and 56 others Vs. State of M.P. & others.)

3. It was further held that the said benefit would be given to all teachers and they should not be compelled to approach the Tribunal for similar benefit individually or collectively.

4. Being aggrieved, the then State of Madhya Pradesh had filed the Special Leave Petition (Civil) No. 6892/93 impugning the order dated 24.8.1992 passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89. The Hon'ble Supreme Court after hearing learned counsel for the parties, dismissed the Special Leave Petition and having regard to the large financial implications, granted one year's time to settle the claim for the arrears without interest vide order dated 3.1.1994. It was further observed that the intervention would work out their rights in accordance with law. This order dated 24.8.1992 passed by the Tribunal in O.A. No. 2745/1989 is applicable to the petitioners being similarly situated and they are accordingly entitled to the same benefit.

5. For the above stated reasons, the petitioner is granted liberty to make a representation to consider the case of the petitioner if it stands on the same footings as per order dated 24.8.1992 by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others.) and subsequently confirmed by order dated 3.1.1994 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93 and grant relief accordingly. The writ petition stands disposed of. There shall be no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu